

REMARKS

The present Amendment amends claim 36 and leaves claims 35 and 37 unchanged. Therefore, the present application has pending claims 35-37.

In paragraph 7 of the Office Action the Examiner objected to an informality in claim 36. An amendment was made to claim 36 to correct the informality noted by the Examiner. Therefore, this objection is overcome and should be withdrawn.

Claims 35-37 stand rejected under 35 USC §103(a) as being unpatentable over Rabinovich (U.S. Patent No. 6,256,675) in view of Olson (U.S. Patent No. 5,995,980), and in view of Hammond (U.S. Patent No. 5,758,337). This rejection is traversed for the following reasons. Applicants submit that the features of the present invention as recited in claims 35-37 are not taught or suggested by Rabinovich, Olson or Hammond whether taken individually or in combination with each other as suggested by the Examiner. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Numerous arguments were presented distinguishing the features of the present invention as recited in the claims from the references of record, particularly Rabinovich, Olson and Hammond, were provided in the Remarks of the May 13, 2004 and October 2, 2003 Amendments. The contents of the Remarks of these Amendments are incorporated herein by reference.

In the Office Action the Examiner recognizes the numerous deficiencies of Rabinovich relative to the features of the present invention as recited in the claims. In fact, the Examiner states that:

"Rabinovich does not explicitly teach an implementation of the data warehouse system where the objects correspond to databases".

Yet the Examiner says that such deficiencies of Rabinovich are supplied by Olson. Thus, in the Office Action the Examiner makes a completely unsupported allegation that:

"it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the replica management and query distribution functions as taught by Rabinovich to a partially replicated database system such as that taught by Olson et al, since replicated databases reduce contention for access to a primary database, as well as providing a backup in the event of media failure (see col. 1, lines 17-26)".

It seems that the Examiner has not properly made a prima facie case of obviousness when combining two references which apparently disclose non-analogous art, Rabinovich teaching a system and method for allocating requests for objects and managing replicas of objects on a network and Olson teaching a system and method for database update replication. The Examiner must show with convincing evidence within the references themselves, particularly when they are each directed to non-analogous art, how one of ordinary skill in the art would have been lead to combine the references in the manner suggested by the Examiner.

In the Office Action, the Examiner merely points to an object or a goal of the system and method taught by Olson as support for his allegation that Rabinovich and Olson can be combined. This teaching in Olson is merely a goal of replicated databases but does not necessarily confer to the system and method taught by Rabinovich which is allocating request for objects on a network how the respective

teachings can be combined and how the teaching in Olson solves the recognized disadvantages of Rabinovich. True evidence that Rabinovich can be combined with Olson would have stated, for example, that the system and method for database update replication as taught by Olson could be applied to a system and method for allocating requests for objects on a network. No such teaching can be found at any point in Olson and therefore the combination of Rabinovich and Olson as alleged by the Examiner would not have been a combination made by one of ordinary skill in the art.

Further, as was shown in the Remarks of the October 2, 2003 and May 13, 2004 Amendments both Rabinovich and Olson suffer from the same deficiencies relative to the features of the present invention as recited in the claims.

Particularly, there is no teaching or suggestion in Rabinovich or Olson of a data collector which performs the replication functions and that the data collector is separate from the server as recited in the claims.

Further, there is no teaching or suggestion in Rabinovich or Olson that the data collector is provided with a storage and that such storage stores the replica of a database which is provided as part of the server as recited in the claims.

Still further, there is no teaching or suggestion in Rabinovich that the data collector, associated with the client device and provided with the storage device, collects data requested by users of the client devices and stores the data in the storage device as replica which is partially replicating the database as recited in the claims.

Still further yet, there is no teaching or suggestion in Rabinovich or Olson that the data collector includes a replica creation control means for determining whether a new replica of the database is to be created and stored in the storage device, in response to a replica creation request from one of the client devices, by referring to a replica management table which holds at least a data range and a data update integral of each replica stored in the storage device as recited in the claims.

Even further, there is no teaching or suggestion in Rabinovich or Olson that the data collector also includes a query analysis unit for analyzing a query processing request from one of the client devices to select, as an object to be searched, a replica stored in the storage device or the database, a query processing unit for searching the replica stored in the storage device according to a query analysis result from the query analysis unit, and a communication control unit for selecting a procedure for accessing the server according to the query analysis result as recited in the claims.

Even further still, there is no teaching in Rabinovich or Olson that a server which includes a communication control unit for receiving the query analysis result transmitted from the data collector, and a query processing unit for searching the database of the server as recited in the claims.

The above noted deficiencies of Rabinovich and Olson are also evident in Hammond. Therefore, combining the teachings of Rabinovich, Olson and Hammond in the manner suggested by the Examiner in the Office Action still fails to teach or suggest the features of the present invention as recited in the claims. Therefore, the features of the present invention as recited in the claims are not taught or suggested

by Rabinovich, Olson and Hammond whether taken individually or in combination with each other as suggested by the Examiner. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the 35 USC §103(a) rejection of claims 35-37 as being unpatentable over Rabinovich, Olson and Hammond.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 35-37.

In view of the foregoing amendments and remarks, Applicants submit that claims 35-37 are in condition for allowance. Accordingly, early allowance of claims 35-37 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (501.37841X00).

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Carl I. Brundidge
Registration No. 29,621

CIB/jdc
(703) 312-6600